

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 258 - HB 260

April 10, 2019

SUMMARY OF BILL: Creates a Class E felony offense of reckless endangerment when a person fails to lock, secure or otherwise store or make unavailable a firearm and ammunition for the firearm if a child younger than age 13 obtains possession of the firearm and the discharge results in bodily injury or serious bodily injury to the child or another. Creates a Class C felony offense of reckless endangerment when a person fails to lock, secure or otherwise store or make unavailable a firearm and ammunition for the firearm if a child younger than age 13 obtains possession of the firearm and the discharge results in the death of the child or another.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$26,200 Incarceration*

Assumptions:

- The proposed legislation will result in one Class E felony admission every five years.
- The average time served for a Class E felony is 1.28 years.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every five years serving an additional 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$6,843 [(\$73.18 x 467.52) / 5].
- The proposed legislation will result in one Class C felony admission every five years.
- The average time served for a Class C felony is 3.62 years.
- Population growth and recidivism will not impact these admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every five years serving an additional 3.62 years (1,322.21 days) for an annualized increase in state incarceration expenditures of \$19,352 [(\$73.18 x 1,322.21) / 5].
- The total recurring increase in state incarceration expenditures associated with the proposed legislation is \$26,195 (\$6,843 + \$19,352).

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**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj